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087705,652	08/30/96	MCCLROY	A 10242

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PM21/0128

EXAMINER
ARTHUR, G

ART UNIT	PAPER NUMBER
3614	3

DATE MAILED: 01/28/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

08/705,652

Applicant(s)

Alejandro S. McElroy et al.

Examiner

GERTRUDE ARTHUR

Group Art Unit

3614

☒ Responsive to communication(s) filed on Aug 30, 1996

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-20 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-20 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-10, 13-14, 19-20, are rejected under 35 U.S.C. 103(a) as being unpatentable over Pagliaroli et al. (U.S. Patent No. 5,276,728) in view of Adams (U.S. Patent No. 5,392,030).

As to claim 1, Pagliaroli et al. disclose in Fig. 1 a system for remotely immobilizing a vehicle. The system comprises a plurality of parameters 12, 18, 20, 22, 24, 26, 32 for generating triggering signal and a control means 16 for receiving the plurality of parameters and for detecting a triggering signal. Pagliaroli et al. fail to specifically disclose the means for disabling the throttle of the vehicle upon detection of the triggering signal and to also deploy the brakes of the vehicle to stop the vehicle. In an analogous art, Adams discloses an alert system for use in a vehicle wherein the throttle is disabled upon detection of a triggered signal from the control means 12 and also the brake is deployed to stop the vehicle (See column 4, lines 43-48). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of

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Pagliaroli et al. with that of Adams by disabling the throttle and deploying the brake to bring the vehicle to a stop since it would allow the alertness as well as a control for preventing unsafe operation of the vehicle.

As to claim 2, Pagliaroli et al. disclose a system for remotely activating an automobile disabling system but fail to specifically disclose a speedometer for indicating the speed of the vehicle. In an analogous art, Adams discloses in Fig. 1 a speedometer 14 coupled to the control means 12 that is used for indicating the speed of the vehicle. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Pagliaroli et al. with that of Adams by having a speedometer in the vehicle since every vehicle obviously contains a speedometer to indicate how fast or how slow the vehicle is moving.

As to claim 3, Pagliaroli et al. disclose an external triggering device considered as the sensor 12 that is used for monitoring external triggering signals (See column 3, lines 44-49).

As to claim 4, Pagliaroli et al. disclose all but does not specifically disclose a plurality of adjustable range actuator. In an analogous art, Adams discloses an alert system for use in a vehicle wherein it comprises a throttle and brake control considered as the adjustable range actuator since the brake and the throttle are capable of being adjusted. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Pagliaroli et al. with that of Adams by having adjustable range actuator in order to adjust and improve the monitoring alertness of the system.

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As to claim 5, Pagliaroli et al. disclose in Fig. 1 a keypad 18 and receiver 14 coupled to the control means 16 wherein one would obviously use the reset keypad for inputting instructions into the control means.

As to claims 6-7, Pagliaroli et al. disclose that remote controlled devices disable an automobile wherein the typical device is incorporated in an alarm system in a vehicle (See column 1, lines 61-66) and it discloses a control unit as discussed therefore, the warning system is also considered as an alarm system for warning the owner. It would have been obvious to one of ordinary skill in the art at the time of the invention to have an audio control relay for indicating the status of a sound system in order to indicate the theft of the vehicle to the owner.

As to claim 8, the control means 16 as shown in Fig. 1 in Pagliaroli et al. is obviously considered as a central control microprocessor in the system.

As to claims 9-10,13, Pagliaroli et al. disclose all but fails to disclose a throttle adjustable range actuator module. In an analogous art, Adams discloses in Fig. 1 a throttle adjustable range actuator 24 and brake adjustable range actuator module. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Pagliaroli et al. with the adjustable throttle and brake of Adams in order to accelerate and stop the system as needed.

As to claim 14, Pagliaroli et al. fail to specifically disclose a solenoid operator. In an analogous art, Adams discloses an element 22 considered as a solenoid operator connected to the throttle 24 as shown in Fig 1. It would have been obvious to one of ordinary skill in the art at the

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time of the invention to modify the system of Pagliaroli et al. with a solenoid operator as taught by Adams in order to control the operation of the throttle.

As to claims 19-20, the limitations have been discussed in the previous claims and further wherein the activating of the warning systems is considered as an alarm to warn the user or others of the theft of the vehicle it is known to have such a system in the vehicle to broadcast the messages.

3. Claims 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pagliaroli et al. in view of Adams as applied to claim 1, 10, above, and further in view of Toohey (U.S. Patent 3,974,713).

As to claims 15-16, Pagliaroli et al. disclose all but fail to specifically disclose the controlling of the tension upon a wire cable connected to the brake pedal, and a sliding bolt along a rotatable threaded shaft by a motor and a plurality of gears. In an analogous art, Toohey discloses a brake control system that has brake cable and holding gear (See abstract). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Pagliaroli et al. and that of Adams with the controlling of the tension upon the wire cable and having a sliding bolt along a rotatable threaded shaft by a motor and a plurality of gears in order to permit the brake pedal to be stroked a plurality of times to tension the brake cable as desired.

4. Claims 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pagliaroli et al. in view of Adams as applied to claim 1 above, and further in view of Gill (GB 2 266 611).

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As to claims 11-12, Pagliaroli et al. and Adams fail to specifically disclose the means for deploying the clutch and comprising a clutch adjustable range actuator module. In an analogous art, Gill discloses that immobilization is achieved in the brake or clutch (See page 2, lines 18-20). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the vehicle system of Pagliaroli et al. and that of Adams with the clutch system of Gill since it is well known to have a clutch in some vehicle for operation.

5. Claims 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pagliaroli et al. and Adams in view of Gill as applied to claims 1, 11-12 above, and further in view of Toohey.

As to claims 17-18, the limitations have been discussed in the previous claims wherein Toohey further discloses that the clutch is interconnected to the brake pedal. (See abstract,). It is therefore rejected for the same reasons.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Rapoport (Europe 0242 099) discloses an anti-theft and locating system.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gertrude Arthur whose telephone number is (703) 308-7564. The examiner can normally be reached on Tuesday-Friday from 8:30 a.m to 6:00 p.m and every first Monday of the bi-week from 8:30 a.m to 6:00 p.m.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Cuchlinski, can be reached on (703) 308-3873. The fax phone number for this Group is (703) 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1113.

GA

January 9, 1998

Jacques Louis Jacques
JACQUES H. LOUIS-JACQUES
PRIMARY EXAMINER